

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JEFFREY SHAFFER, Respondent,)	No. ED92839
)	Appeal from the Circuit Court of
vs.)	St. Louis County
)	
ROYAL GATE DODGE, INC., Appellant.)	Filed: December 8, 2009

OPINION SUMMARY

Defendant Royal Gate Dodge, Inc. appeals the trial court's denial of its motion to stay proceedings and compel arbitration of the claims brought against it by plaintiff Jeffrey Shaffer. Royal Gate claims that the trial court erred in denying its motion to compel arbitration because the arbitration agreements Mr. Shaffer signed in connection with the purchase of his automobile were valid and enforceable.

AFFIRMED.

Division Two Holds: The provision in Royal Gate's arbitration agreement waiving Mr. Shaffer's right to class arbitration is unconscionable and not severable. Accordingly, we affirm the trial court's denial of Royal Gate's motion to compel arbitration.

Opinion by: Patricia L. Cohen, J. Sherri B. Sullivan, P.J., and Robert G. Dowd, Jr., J., concur.

Attorney for Appellant: James C. Ochs

Attorney for Respondent: John Campbell

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
